

# Town of Woodbury

## Inland Wetlands and Watercourses Agency

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 • [www.woodburyct.org](http://www.woodburyct.org)

---

**REGULAR MEETING MINUTES**  
**NOVEMBER 13, 2023 - 7:30 PM**  
**Senior/Community Center**  
**265 Main Street South, Woodbury, CT 06798**

**MEMBERS PRESENT**

Earl Gillette, Alternate  
Marty Newell  
Don Richards  
Kyle Turoczi, Secretary  
Mary Tyrrell, Chairman  
Ernest Werner

**MEMBERS ABSENT**

Michael McAloon, Alternate

**NOTED OTHERS PRESENT** – Will Agresta (Town Planner), Franklin Pilicy Esq., Jillian Judd Esq., William Kenny, Mike Lodice (P&R Superintendent), Carol Haskins, David Taylor, Jeff Sherman, Anthony Beach, Frances Palomba, Christopher Teixeira, and other interested parties.

**OPENING OF MEETING**

Call to Order – The meeting commenced at 7:30 p.m.

Seating of Members / Alternates – Seated for the meeting were Members Newell, Richards, Turoczi, Tyrrell, and Alternate McAloon.

Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)

**PUBLIC HEARINGS**

**23-IW-0021 – 75 Grassy Hill Road / Map 50, Lot 55-4 / OS-60 District / Jeffrey Peck (applicant/owner) / Installation of a pickle ball court measuring 1,200 sf (30 ft x 40 ft) and an accessory residential storage shed measuring 216 sf (12 ft x 18 ft x 10 ft high).**

Attorney Franklin Pilicy representing the applicant was present. Chairman Tyrrell made mention of a few items submitted since the hearing opened. Attorney Pilicy distributed an opinion letter dated November 13, 2023. Also submitted for the record was a Wetland and Watercourse Delineation report dated November 3, 2023, by William Kenny Associates, a Wetland Impact Assessment by William Kenny Associates dated November 13, 2023, a letter from John Mack engineer with Stuart Somers Company LLC dated November 10, 2023 and a GIS topographic map of the property for reference. Mr. Kenny noted that he reviewed the Northeast portion of the property. He delineated the extent of the wetlands and reviewed the area of completed work. Mr. Kenny showed the Agency the topography of the property. It was noted that the wetlands are not connected, one drains to the north and one drains to the south. All activity is down from the wetlands. He found no evidence of fill in the wetland areas. It was his opinion that the improvements done on the site were not negatively impacting the wetlands. The area is flat and downhill from the wetlands. Chairman Tyrrell questioned if Mr. Kenny had reviewed the previous issues and applications or just the current one, his response was he did not. Member Newell questioned how the erosion

*Copies of documents and meeting audio are available at the Land Use Office*

in the area of the shed would be handled. It was stated that the area would be stabilized using rock or mulch. They could include a recommendation to plant native plants by the shed. The report included the recommendation to remove Japanese Knotweed before it can move and spread. It was questioned how far the new wetlands line was to the pickle ball court area, it was determined to be about 20 ft. Mr. Kenny explained that the court will be slightly pitched so that the drainage would go away from the court, about a 1% pitch. He is not concerned as the court is down from the wetlands. The accuracy of the quantities of fill materials and depths provided were questioned and if the temporary gravel access would be removed or seeded over. Mr. Kenny referred to Mr. Peck's email of October 11<sup>th</sup> which answered some of these questions. Very little excavation occurred on the property. Details of the removal of the temporary access along with timeframes should be included with the plans. Chairman Tyrrell questioned the patio expansion area, what material was used and drainage. Grading toward the house was questioned. These details could be added to the plan and put in writing. It was asked if there will be any proposed remediation to the previously cut wetlands area. Mr. Kenny stated that the plan was just to control the Japanese Knotweed, that as he understood the other issue had been resolved. Chairman Tyrrell indicated that there was no mitigation required at the time, however, much more has taken place on the site. Member Turoczi explained that without the buffer and plans for grading and referring to the previous wetlands line there were concerns.

As the Agency just received the reports and additional information at the meeting, they were not ready to close the hearing. Attorney Pilicy granted a verbal extension of the public hearing until the December 11, 2023, meeting, with submittals to be received by December 4, 2023.

#### **NEW APPLICATIONS**

##### **64 Westwood Road / Map 38, Lot 54-1 / R-40 District / Town of Woodbury (applicant/owner) / Three Rivers Park Restoration of river-bank storm erosion.**

Mike Lodice, Superintendent of Parks, was present for the discussion. Plans were shared for the area in question. The plan is to maneuver the root ball and the tree to hold the bank. In time the area could eventually reestablish with vegetation. It is understood that this is a short term resolution. Changes to the size of the river buffer will need to be considered. Engineers will be required for further mitigation plans. It was asked who would assist Parks and Recreation with moving the tree. Public Works will assist and will try to obtain the appropriate machinery to accomplish the goal. The Agency would like Todd Bobowick or someone from the State Fisheries division to oversee the work. It was suggested that Andy Green, member of the PRWC, is a stream engineer and it might be beneficial for him to oversee Public Works and Parks and Recreation when they do the project. Carol Haskins of the Pomperaug River Watershed Coalition addressed the Agency. She put together the plan documents and reviewed it with the Agency. Examples of other engineered log jams were viewed. No fill is proposed with the project. Robust engineering with assistance from the Army Corps will be needed to completely resolve the erosion issues. The tree is already in the river, repositioning it would be considered an emergency fix. Again, the buffer is not included in the plan at this time and will need more discussion. A minimum of 35 foot buffer is suggested by USDA. Coordination with professional entities to oversee the project would be preferred. Member Turoczi emphasized the importance of moving forward with the whole riparian buffer project, as these issues will continue to persist up or downstream. Emergency site access requirements should be determined. David Taylor of the Conservation Commission questioned if there has been any riverbank assessment done, it was noted that there are problem areas by the ponds. PRWC has done minimal assessment several years ago. There was brief discussion about funding. They need access to the applications in advance, so that they are prepared when the application process opens up. How to move forward with all the groups involved should be determined and discussed at the next meeting.

##### **23-IW-0030 – 203 Sprain Brook Road / Map 56, Lot 6 / OS-100 District / Ryan Birkenhead (applicant/owner) Retroactive Permit Application for previously installed site improvements within 100-foot upland review area absent permits: electric meter on post; landscape alterations along driveway; accessory deck structure and AC**

unit on concrete pad attached to existing studio building; AC unit on concrete pad serving existing garage building; area drain with 6-inch PVC drainpipe; and portion of tree house.

The engineer indicated a conflict and was unable to attend the meeting. This item was tabled.

**23-IW-0029 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Robert Taggett (owner/applicant) Response to 23-ENF-IW05 – Application to permit retroactively the unauthorized driveway installation via an abutting lot with millings, land grading and filling within a regulated area absent required permit.**

*(This item was discussed in conjunction with 23-IW-0028 – 13 Edward Avenue see below).*

**23-IW-0028 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Frances M. Palomba (owner/applicant) / Response to 23-ENF-IW06 – Application to permit retroactively the unauthorized driveway installation with millings, land grading and filling within a regulated area absent required permit.**

Frances Palomba was present for the discussion. Ms. Palomba noted that horses will be coming back to the property in the near future and the installed driveway will be needed. The driveway allows for stable ground to get hay deliveries, moving manure dumpsters, etc. Ms. Palomba expressed she has neighbors that will attest to the fact that the property has always had this accessway. There was discussion about the need for the Agency to do a site walk of the property to properly assess the situation. A photo of the area was shown, members noting it was not easy to get all their answers from a photo. Ms. Palomba discussed that there is no sitting water on the property (with the exception of the pond). She described a drainage pipe that was installed by the Town that takes the water off site. Even if elevated, she felt there was no impact the wetlands. Town Planner Agresta questioned the connection between the two properties and why this access was necessary with access off of 57 Lake Road. Ms. Palomba responded that the connection has always existed between the two properties. Her son, who lives at 57 Lake Road, uses it to maintain both properties. Town Planner Agresta stated that the Agency needs to determine if millings is a suitable surface material in a regulated area. A driveway permit from 1992 was shown to the Agency, however, it was noted that it had no signature on it. Ms. Palomba was asked to stake the areas to show distances from the driveway to the pond and to the barn building. About four stakes to one stake at the pond should be placed and distances noted. A simple plan of this should be submitted so that Agency members could walk the site on their own and understand what they were viewing.

**PENDING APPLICATIONS / DELIBERATIONS** (as deemed ready)

**23-IW-0027 – 288 Flanders Road / Map 2, Lot 19 / OS-100 District / Anthony J. and Nancy L. Beach (applicant/owner) / Construction of an attached garage (552 sf: 24'x23') to an existing single-family dwelling and relocation of existing detached garage building.**

Anthony Beach was present for the discussion. New plan submittals were reviewed showing the expanded driveway area, relocation of the silt fencing and plans for drainage controls. A draft motion was reviewed by the Agency.

**MOTION:**

To approve 23-IW-0027 – 288 Flanders Road / Map 2, Lot 19 / OS-100 District / Anthony J. and Nancy L. Beach (applicant/owner) / Construction of an attached garage (552 sf: 24'x23') to an existing single-family dwelling and relocation of existing detached garage building.

Made by **NEWELL**, Seconded by **RICHARDS**

Vote: 5-0-0 – **Approved** – Motion **Passed**

Ayes	Newell, Richards, Turoczi, Tyrrell, Werner
Nayes	None
Abstain	None

**21-ENF-0010 – 466 Flanders Road / Map 94, Lot 16-A / OS-100 District / Christopher Teixeira (applicant/owner) / Request for Release of Bond: \$2,500.00**

Christopher Teixeira was present for the discussion. It was noted that the remediation work had been done and plantings have been installed as required. Chairman Tyrrell explained that the Agency does not usually release a bond until the plantings are established. The Agency considered a bond reduction. The Agency noted that the silt fencing needs to be maintained. Mr. Teixeira responded that grass is growing and that the silt fencing had been shored up and will supply photos to the Land Use Enforcement Office.

**MOTION:**

To reduce the bond by \$1,500 and retain a \$1,000 bond on this site.

Made by **NEWELL**, Seconded by **WERNER**

Vote: 5-0-0 – **Approved** – Motion **Passed**

Ayes	Newell, Richards, Turoczi, Tyrrell, Werner
Nayes	None
Abstain	None

**ENFORCEMENT & WETLANDS UPDATE**

**23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Driveway installation via an abutting lot with millings, land grading and filling within a regulated area absent required permit.**  
*(This item was discussed under new applications).*

**23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Driveway installation with millings, land grading and filling within a regulated area absent required permit.**  
*(This item was discussed under new applications)*

**23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco**  
There was no new information to report.

**Chohees Trail / Map 44, Lot 18 / OS-100 District / TRP Farms, LLC / Tree Cutting, Deposition of Materials and Excavation within a regulated area.**

The Town Planner noted that a property split is being worked on and they now have a wetlands delineation of the property for the record.

**43 Hollow Road / Map 36, Lot 68A & Map 103, Lot 13 / R-40 & OS-80 Districts / Town of Woodbury / Tree and scrub vegetation cutting within a regulated area (Hollow Park / Pomperaug River).**

Mike Lodice, Superintendent of Parks was present for the discussion. The spraying of the Japanese Knotweed has taken place. He reviewed a planting plan with the Agency. It was asked that the size of plantings and variety of Viburnum needs to be added to the legend on the plans.

**MOTION:**

To approve this phase of the Hollow Park restoration plan. Stump grinding is included with grindings being left in place.

Made by **RICHARDS**, Seconded by **WERNER**

Vote: 5-0-0 – **Approved** – Motion **Passed**

Ayes	Newell, Richards, Turoczi, Tyrrell, Werner
Nayes	None
Abstain	None

**18-IW-1621 – 614 Main Street South / Map 102, Lot 25 / MQ District / Napoli Woodbury LLC / IWWA Review of Constructed Site Conditions / Bond Status – Dollar General.**

There was no new information to report. Agency is awaiting the latest All Habitat Report.

**23-ENF-IW03 – Map 62, Lot 66 / OS-80 District / Village Woods Open Space Association, Inc. / Unauthorized site activity (cutting and dumping of tree branches and debris, deposition constituting fill, blocking of stream flow and alteration of natural cover) within a protected regulated area.**

Chairman Tyrrell had spoke with Mr. Disarro who indicated the branch piles have been moved from the edge of the driveway to his personal property. This will be verified before the next meeting.

**ADMINISTRATIVE**

**2024 Annual Meeting Schedule** – it was noted that the meeting times will all be 7:30 p.m. and it was asked that the Tuesday meetings be indicated on the schedule.

**MOTION:**

To approve the 2024 Annual Meeting schedule as amended.

Made by **WERNER**, Seconded by **NEWELL**

**Vote: 5-0-0 – Approved – Motion Passed**

Ayes	Newell, Richards, Turoczi, Tyrrell, Werner
Nayes	None
Abstain	None

**Regular Meeting Minutes – 10/23/23**

**MOTION:**

To approve the minutes of the October 23, 2023, regular meeting as submitted.

Made by **NEWELL**, Seconded by **WERNER**

**Vote: 5-0-0 – Approved – Motion Passed**

Ayes	Newell, Richards, Turoczi, Tyrrell, Werner
Nayes	None
Abstain	None

**Special Meeting Minutes – 10/27/23**

**MOTION:**

To approve the minutes of the October 27, 2023, special meeting as submitted.

Made by **NEWELL**, Seconded by **TUROCZI**

**Vote: 4-0-1 – Approved – Motion Passed**

Ayes	Newell, Richards, Turoczi, Tyrrell
Nayes	None
Abstain	Werner

**Regulation Review**

Will Agresta distributed a proposed draft regulation amendment to the Agency. Much of the changes are to update with those changes made in the State Model Regulations over several years. There are other changes he indicated would need review and discussion by the Agency.

**CORRESPONDENCE** – Included a list of riparian plants provided by Member Turoczi.

**PRIVILEGE OF THE FLOOR**

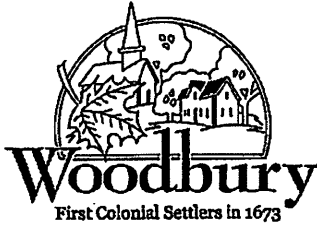
- **420 Transylvania Road** – Member Richards asked that the owner address water running from the property out onto the road and what they are going to do about it.
- **50 Peter Road** – Chairman Tyrrell noted that there is no anti tracking pad and that the stockpile may be located within the regulated area.
- **184 Quassuk Road** – Member Gillette indicated there was a large amount of tree clearing within the regulated area.
- Member Turoczi shared information he learned at the recent CACIWC Conference.

**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:57 p.m.  
Made by NEWELL with no objections.

RECEIVED & FILED  
IN WOODBURY, CT  
This 15<sup>th</sup> day of NOV 2023  
at 3:33 o'clock P  
Maria Mancini  
Town Clerk



# Town of Woodbury

## Inland Wetlands and Watercourses Agency

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 • [www.woodburyct.org](http://www.woodburyct.org)

### WETLANDS / WATERCOURSES PERMIT APPROVAL

288 FLANDERS ROAD – 23-IW-0027

Accessory Attached Garage and Accessory Detached Garage

Anthony J. and Nancy L. Beach (owner/applicant)

Date of Approval November 13, 2023

Permit Expiration\* November 13, 2025

\*If regulated activities and conditions of approval are not completed accordingly

Applicant Anthony J. and Nancy L. Beach  
Owner Anthony J. and Nancy L. Beach  
Application 23-IW-0027  
Project Construction of an attached two-car garage structure (addition to existing single-family dwelling) measuring 575 sf (25 ft x 23 ft – single story, pitched roof); and removal of existing detached accessory garage structure and replacement with new accessory detached garage structure measuring 572 sf (22 ft x 26 ft – single story, flat roof).  
Address 288 Flanders Road, Assessor Map 25, Lot 19  
Site Acreage 6.05 acres  
Zone OS-100

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 23-IW-0027 as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("IWWA Regulations") seeking a Wetlands/Watercourses Permit ("Permit") to implement the "project" as described above; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Site Plan, 10/26/23;
- Building Plans: Attached Garage (floor plan, front elevation, and side elevation);
- Building Plans: Detached Garage (overview/floor plan, front elevation, and side elevation); and

WHEREAS the following mitigation measures are proposed:

- Installation to occur within previously disturbed area of the site;
- No direct impacts to wetlands/watercourses are proposed or needed;
- Erosion and sedimentation controls during construction;
- Extension of infiltration drainage at edge of driveway between garages;

Approved by Inland Wetlands &  
Watercourses Agency

Approval Date: 11/13/23

Signature: [Signature]  
Town Planner

**NOW THEREFORE BE IT RESOLVED** upon careful consideration of the information received, the Agency, in accordance with §11.3 of the IWWA Regulations, hereby finds the following:

- No significant adverse off-site impacts are anticipated;
- Site construction disturbance will be temporary and short term;
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use and maintenance of soil erosion and sedimentation controls as may be warranted and/or required;
- The Agency classifies the application as Summary (not involving a “significant impact” thus a public hearing is not required); and

**BE IT FURTHER RESOLVED** the Agency, in accordance with §10 of the IWWA Regulations following deliberations hereby approves application 23-IW-0027 as described above, subject to modifications and conditions set forth below; and

**BE IT FURTHER RESOLVED** the Agency hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in §11.4 of the Regulations, as well as required reporting to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) per CGS §22a-39-14; and

**BE IT FURTHER RESOLVED** this approval is specific to that detailed herein and the final plans as endorsed as “approved” *subject to the following modifications and conditions:*

**A. Prior to Commencement of any Work or Site Disturbance**

1. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. In accordance with §13 of the IWWA Regulations, a **Site Remediation / Soil and Erosion Control Bond** in the amount one thousand (\$1,000.00) dollars shall be submitted to the Land Use Office in a form and content as acceptable by the Town. The bond shall remain in full force and effect until such time as the bond is released by the Town.
3. **Other Required Approvals** – No work shall be authorized to commence absent securing all required approvals. Other required approvals shall be separately obtained by the applicant and copies thereof shall be provided to the Agency office for inclusion in the permit record file, including but not limited to:
  - Housatonic Valley Health District
  - Woodbury Administrative Zoning and Building Permits

Failure to obtain required administrative permits shall render this approval null and void.

**B. Conditions During Construction**

1. Prior to commencement of any site work or site disturbance, the limits of disturbance shall be clearly marked in the field to the satisfaction of the Land Use Office and the Land Use Office shall be provided a minimum of 48-hours of notice. No regulated activity shall commence until erosion and sedimentation control devices have been properly installed to the satisfaction of the Land Use Office and inspected by the Land Use Office. The applicant shall maintain and supplement the controls as needed, and the Land Use Office may require additional controls as may be deemed necessary or warranted.



2. The following shall be followed in relation to the installation:
  - Ground disturbance shall be contained to the minimum necessary.
  - No tree or shrub vegetation removal is involved or authorized with this approval.
  - Erosion and sedimentation controls shall be installed and maintained throughout the duration of construction, and supplemented as may be needed or required by the Land Use Office. Erosion controls shall be maintained until authorized to be removed following stabilization of the site.
3. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified as to any issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for a new or modified permit approval can be identified.
4. Construction vehicles and equipment not in use shall not be stored, and at no time shall such be washed out, within a regulated wetland/watercourse area. Washout material shall be contained in a washout pit or equal containment system and hardened material removed from the site for disposal at an acceptable location elsewhere.
5. Construction stockpiles and staging shall be outside the regulated 100-foot upland review area. The site shall be kept clean of all loose debris, litter, and similar materials to prevent such from entering wetlands or watercourses. All access paths shall be reestablished to original condition.
6. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of wetlands/watercourses or regulated 100-foot upland review areas. The Land Use Office and CT DEEP shall be notified immediately of any spillage, discharge or loss of oil/petroleum/chemical liquids or solids which have occurred or will likely occur as a result of the activity.
7. There shall be no burying of any construction waste materials, tree stumps or tree materials including but not limited to branches, wood chips and the like.
8. Disturbed areas shall be stabilized in a timely fashion, particularly to avoid/minimize erosion impacts.

**C. Post Construction Compliance and Permit Closure**

1. **As-Built Plan** - Upon completion of the approved regulated activities, an As-Built Plan detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final plans.
2. **Final Inspection Required** – The applicant shall request the Land Use Office to conduct a final inspection for determination of permit completion, subject to the following:
  - Verification all improvements have been completed consistent with the approved final plans.
  - Verification the site has been cleaned of construction related equipment, materials, and debris.
  - Verification drainage conditions are adequately controlled to prevent erosion. The proper and timely control and treatment of stormwater runoff shall be a condition of continued compliance.
  - Verification disturbed areas are stabilized and exhibit healthy vegetative growth and cover.
  - Erosion controls shall be appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.

3. **Bond Release** – Upon written request by the applicant following completion of all approved work consistent with the approved final plans and verification the site is stabilized to the satisfaction of the Land Use Office, the Land Use Office may release the bond (subject to submission of an adequate As-Built Plan detailing and certifying the completed improvements). The Land Use Office may refer any request for bond release to the Agency for determination.
  
4. **Approval Compliance / Changes** – Failure to maintain compliance with this permit and the approved final plans shall constitute a violation of the terms of this permit and the Woodbury Inland Wetlands and Watercourses Regulations. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
  
5. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth above unless all regulated activities, including site stabilization and landscaping, are completed consistent with the approved final plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed that as may be permitted. Any request for extension shall be in writing to the Agency in a timely manner prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Agency may require a public hearing and may adjust any held bond.

**MOTION**

Moved by NEWELL, seconded by RICHARDS

Vote: 5-0-0 – APPROVED – Motion PASSED

Aye	Tyrrell, Newell, Turoczi, Werner, Richards
Nay	None
Abstain	None